

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LARRY BOWOTO, et al.,

No. C 99-02506 SI

Plaintiffs,

**ORDER RE: TESTING OF ORIGINAL
DOCUMENTS**

v.

CHEVRONTEXACO CORP., et al.,

Defendants.

Now before the Court is a discovery dispute concerning defendants' proposed testing of original documents.¹ Defendants request that the Court order plaintiffs to produce three original documents, so that defendants may have an expert test the documents' authenticity. Having considered the parties' arguments, the Court GRANTS defendants' request.

Accordingly, the Court ORDERS that:

- 1) There shall be no destructive testing of any of the documents until further order of the Court;
- 2) Plaintiffs shall produce the original documents in their possession to defendants for testing;
- 3) Defendants shall videotape the entire testing process; the video need not include sound;
- 4) Defendants shall produce the videotape to plaintiffs immediately after testing is concluded; and
- 5) Defendants may move the Court for additional time to produce their expert report should they need it.

Plaintiffs request that they be told what tests will be done on the documents in advance and that their

¹The parties brought this dispute before the Court by letter briefs dated December 12, 2005 (Docket No. 789), and December 19, 2005 (Docket No. 798).

expert and counsel be allowed to be present during the testing. These requests are DENIED.

IT IS SO ORDERED.

Dated: December 20, 2005



SUSAN ILLSTON
United States District Judge